

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.471 of 2022

Sankar Rout

....

Petitioner

Mr. S.K. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Das, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

25.8.2022

Order No.

02.

1. The matter is taken up through hybrid mode.
2. Heard Mr. S.K. Pattnaik, learned counsel for the Petitioner and Mr. K.K. Das, learned Additional Standing Counsel.
3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Sankar Rout in connection with Baidyanathpur P.S. Case No.101 of 2019, corresponding to S.T. Case No.30 of 2020 (G.R. Case No.760 of 2019) pending in the court of learned 1st Additional Sessions Judge, Berhampur, Ganjam for alleged commission of offence under Sections 307/326/302/120-B/34 of the Indian Penal Code read with Section 25(I-B)(a)/27 of the Arms Act.
4. It is submitted that the Petitioner is inside custody since 5th June, 2019 and in the meantime other co-accused persons, namely Bhalu @ Bhagaban Sahu, Sunil Kumar Nayak @ Sultan @ Titu and Sibaram Behera have been released on bail by this court in BLAPL Nos.3846 of 2020, 4613 of 2020 and 470 of 2022 respectively, and the present Petitioner is standing on the same footing with those co-accused persons. It is also submitted that the Petitioner has been entangled in the offences by aid of Section 120-B of I.P.C. though no

material against him is there to reveal his involvement as one of the conspirators.

5. Mr. Das, learned ASC opposes the prayer for bail by submitting that the CDR details have been collected to suggest involvement of the Petitioner in the case.

6. Upon hearing both parties and considering the submissions made by respective parties and the fact of release of such other co-accused persons who have criminal antecedents also, as well as the period of detention of the Petitioner inside custody, it is directed to release the present Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall not be involved in any other offences while on bail and shall appear before the I.I.C., Baidyanathpur P.S. once in each fortnight till conclusion of trial, and shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the Court or tamper with the evidence.

7. It is made clear that violation of any such conditions fixed by this Court or by the Court below shall entail cancellation of bail and the learned trial court shall be competent to consider such question of cancellation.

8. The BLAPL is accordingly disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge